

Atty. Dkt. No. 045054-0157

(fw)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Koichi TAMURA  
Title: CIRCUIT, METHOD, AND PROGRAM IN A CDMA  
COMMUNICATION SYSTEM FOR QUICKLY TRACKING A  
STABLE PATH  
Appl. No.: 10/765,124  
Filing Date: 01/28/2004  
Examiner: Christopher M. Brandt  
Art Unit: 2617  
Confirmation Number: 2246

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

### **RELEVANCE OF EACH DOCUMENT**

The documents listed on the attached PT0/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of October 23, 2007, follows:

#### List of Cited Literature)

1. Japanese Unexamined Patent Application Publication  
2000-252955

2. Japanese Unexamined Patent Application Publication  
2000-115022

(Claims) 1 through 3, 5, 7 through 9, 11, 13 through 15 and 17

(Cited Literature) 1 and 2

Cited Literature 1 (see especially paragraphs (0027) through (0034)) describes a path search circuit and path search method whereby, in the delay profile calculation of path search processing, the level change of each sample in a plurality of delay profiles used for the same power addition processing is monitored, and weighting is performed on the power level of certain samples according to the results of the monitoring. The inventions relating to Claims 1 through 3, 5, 7 through 9, 11, 13 through 15 and 17 of the present application do not go beyond something that could be easily accomplished by a person skilled in the art.

When there is only one weighting candidate sample, performing weighting of the power level of that sample so as to make it relatively lower, as presented for instance in Figure 4 of Cited Literature 1 or Figure 3 of Cited Literature 2, is well known art,

and performing such weighting through negative weighting is a design feature to be selected as appropriate by a person skilled in the art.

Record of Prior Art Literature Search Results

- Fields searched      IPC 8<sup>th</sup> Edition      H04J  
13/00–13/06

H04B 1/69–1/713

- Prior art literature      Japanese Unexamined Patent  
Application Publication 2002-232326

Japanese Unexamined Patent Application Publication 2004-135210

This record of prior art literature search results does not constitute a reason for rejection.

Document C1 is a U.S. counterpart of Document C3.

Document C2 is a U.S. counterpart of Document C6.

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese application. An English translation of the foreign-language documents is not readily available; however, the absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP §609). English language abstracts are attached.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than

three (3) months prior to filing of this Statement.

**FEE**


A credit card payment form in the amount of \$180.00 is enclosed in accordance with 37 CFR §1.17(p) to cover the fee associated with an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: December 21, 2007

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